

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ACD DISTRIBUTION, LLC,

Plaintiff,

v.

WIZARDS OF THE COAST LLC,

Defendant.

NO. 2:18-cv-01517-JLR

STIPULATED MOTION AND  
ORDER TO DISMISS ACTION

NOTE ON MOTION CALENDAR:  
September 9, 2020

**STIPULATION**

Plaintiff ACD Distribution LLC and Defendant Wizards of the Coast LLC, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), hereby stipulate and agree that Plaintiff's remaining claim, for breach of the duty of good faith, is dismissed with prejudice. The parties request that the Clerk of Court enter judgment and close the case so that ACD may take an appeal from the final judgment.

Plaintiff ACD Distribution LLC hereby expressly preserves its right to appeal from the June 17, 2020, order granting Defendant Wizards of the Coast LLC's motion for partial judgment on the pleadings, which resulted in the dismissal of Plaintiff's claim under the Wisconsin Fair Dealership Law. Dkt. 50; *see Davidson v. O'Reilly Auto Enters., LLC*, — F.3d —2020 WL 4433118, at \*9 (9th Cir. Aug. 3, 2020) (explaining that stipulation of dismissal can expressly

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reserve right to appeal from particular order); *Slaven v. Am. Trading Transp. Co.*, 146 F.3d 1066, 1070 (9th Cir. 1998) (explaining that a party may “specifically preserve[] its right to appeal” from a judgment entered by consent).

Dated this 9th Day of September, 2020,

**COUNSEL FOR PLAINTIFF**

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**COUNSEL FOR DEFENDANT**

/s/ MaryAnn Almeida

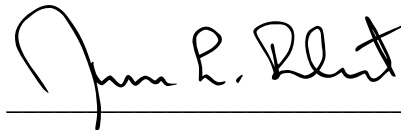
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**ORDER**

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

Dated this 10th Day of September, 2020.

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**PRESENTED BY:**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, I caused a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notice of the filing to all counsel of record who have consented to receive electronic notices via CM/ECF. All other counsel and unrepresented parties, if any, will be served in accordance with the Federal Rules of Civil Procedure.

DATED: September 9, 2020.

/s/Elizabeth Morris  
Elizabeth Morris, Legal Assistant